

COMMISSION MEETING MINUTES  
December 11, 2012

The Board of Davis County Commissioners met in room 303 of the Davis County Administration Building, Farmington, Utah on at 10:00 a.m. Members present were Chairman P. Bret Millburn, Commissioner John Petroff Jr., Commissioner Louenda H. Downs, Clerk/Auditor Steve S Rawlings, Deputy Civil Attorney Neal Geddes, and Deputy Clerk/Auditor Linda May.

Janet Hanson, Davis County Commission Administrative Assistant, led the Pledge of Allegiance. All were invited to stand and join in.

Annual  
Breakfast with  
Santa

Chairman Millburn announced the annual Breakfast with Santa to be held at the Davis Conference Center, Saturday, December 15 at 9:00 am. It is a top notch event. This is a fundraiser for the Family Connection Center.

Recognition of  
Malyna Paskett  
for Outstanding  
Service with  
Headquarters  
Library

Chris Sanford, Davis County Library Director, spoke about a Davis County Library employee, Malyna Paskett, who was recently named Employee of the Year for Davis County. Malyna started with the library in 1993. In 2005 she became the technical services supervisor/cataloger for the Davis County Library system based in Farmington. She and staff are responsible for processing between 60,000 to 65,000 new books and other items per year. Malayna was responsible for organizing the move of about 70,000 books and other items from the old library to the new Headquarters Library. The amazing thing was that she so carefully measured everything, labeled and figured out how the move would take place that the move was accomplished in two days rather than three as originally planned. The library staff did the move themselves, rather than hiring a private moving company. Chris asked Malyna to come forward. She has made extraordinary contributions, set the tone, is a resource for others, does her job, and gets it done. The commissioners congratulated Malyna on her nomination and presented her with a certificate and a Davis County Coin of Recognition for Outstanding Service.

Ethics Review  
Commission  
Appointments

Mel Miles, Davis County Personnel Director, stated that a County Ethics Nominating Committee has met to review recommended names of individuals to serve on the Ethics Review Commission. The selection committee would like to recommend the following individuals to serve: Rodney Page (2 year term), Darwin Hansen (3 year term), and Russell Bench (3 year term). The gentlemen have all served as judges on the bench. They represent energy and sage wisdom. These folks can help with ethics issues for betterment of Davis County and citizens. Mel asked the three gentlemen to please stand. Commissioner Petroff made a motion to approve the appointments. Commissioner Downs seconded the motion. All voted aye. Chairman Millburn stated he hope there will not be a need to have the group meet.

Donation of  
Commissioners  
Golf  
Tournament  
Funds

Kent Sulser, Davis County Community and Economic Development Director, stated that each August the commissioners host a golf tournament. It is not at taxpayer expense but is possible due to great sponsors. It is an opportunity to invest back into the community. The funds are made available to help enrich young lives.

Chairman Millburn stated that the following organizations have applied for funds and the commissioners have individually reviewed and would like to donate as follows:

<u>Grant Applicants:</u>	<u>Program</u>	<u>Donation</u>
Great Salt Lake Bird Festival	Children’s educational bird programs	\$ 1,000
Family Connection Center	Parents as Teachers	\$ 2,000
Joy Foundation	Chalk Art Festival	\$ 800

USU Botanical Center	9/11 Memorial/stone veneer	\$ 800
Weber State University	Upward Bound	\$ 1,000
Davis Arts Council	Active States: Arts in Education	\$ 1,500
Davis Head Start/Early Head Start	“License to Read” – father reading Program	\$ 800
Bountiful Exchange Club	Mountain High – “Accepting the Challenge of Excellence	\$ 200
Davis County Junior Livestock (4-H & FFA) Program	4-H youth for the Davis County Fair Livestock Sale	\$ 1,700
Woods Cross Literacy	Summer Reading Program	\$ 800
Davis Education Foundation	Project Safe Night Graduation Parties	\$ 1,600
Davis Applied Technology College	Bridge Scholarships	\$ 1,600
Best Buddies Utah	Best Buddies Chapters at Layton High & Viewmont High	\$ 400
Davis High School March Band	Replace 20 year old band instruments to perform in 2013 Tournament of Roses Parade	\$ 800

Commissioner Downs made a motion to approve the donations and thanked the organizations for making a difference in youth lives. Commissioner Petroff seconded the motion. All voted aye.

Donation to  
Friends of  
Antelope Island

Neka Roundy, Davis County Community and Economic Development Specialist, presented a request for approval of a donation to the Friends of Antelope Island. The funds are from the 19<sup>th</sup> Annual Moonlight Bike Ride that was held on Antelope Island in July. There were 2163 participants and numerous volunteers. It is a great experience to enjoy Antelope Island by moonlight. The donation is in the amount of \$32,912.32. The funds are used to enhance the visitor experience at Antelope Island State Park. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion.

Neka introduced Ron Taylor, former Antelope Island State Park Ranger, who will serve as the 2013 Board President of Friends of Antelope Island. The bike ride had record participation. The route is from the marina to the Fielding Garr ranch house. A majority of the participants were from Davis County but some from as far away as Alaska. The next Moonlight Bike Ride will be July 19, 2013. Of all the State parks, there is no other like Antelope Island State Park. The Board is anticipating many projects for the island.

Commissioner Downs expressed appreciation for the return on investments. As people come they buy gas, groceries, etc. We know the people will return.

Kent Sulser, Davis County Community and Economic Development Director, presented the following two items:

Amendment  
#2009-399C  
Annual  
Appropriation  
to DACVB

Amendment #2009-399C. It is the annual appropriation of Tourism Funds to the Davis Area Convention and Visitors Bureau (DACVB). The purpose is for selling the Conference Center and completing General Tourism Marketing for Davis County. The DACVB serves as the Destination Marketing Organization to promote, utilization, and sell County owned facilities and to promote general tourism to venues within the County. The tasks will be completed in accordance to the 2013 Marketing Plan and Budget of the DACVB. It is a payable of \$851,933.00. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2012-375  
Utah Transit  
Authority for  
Cooperative  
Study

Agreement #2012-375 with the Utah Transit Authority to complete a cooperative study with Salt Lake County, North Salt Lake City, and Davis County. This is in order to facilitate and secure \$360,000 federal transportation funding grant. The study will help complete all the necessary steps to obtain federal funding for a deliverable transportation system in south Davis County. This is a regionally significant project for south Davis County. It is a payable of \$7,500.00. The following tasks are identified for fee negotiations and study development:

- Task 0 – Project Management
- Task 1 – Data Collection and Research
- Task 2 – Public, Stakeholder, and Agency
- Task 3 – Purpose & Need
- Task 4 – Alternatives Analysis
- Task 5 – Economic Development

Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Grant of Lien  
#2012-376 for  
Terra Fowers &  
Kallee Kearl

Scott Hess, Davis County Planning Office, presented an improvement agreement and grant of lien #2012-376 for postponement of installation of public sidewalk, curb and gutter improvements until time of notice as decided by Davis County Public Works. It is for Terra Fowers and Kallee Kearl The agreement runs with the land and is binding to all future successors. The property is at 1925 S and 5500 W, Hooper, Utah. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2012-377  
Skinny Cow  
Café for  
Operating  
Concession  
Stands

Dave Hansen, Davis County Legacy Events Center Director, presented agreement #2012-377 with Skinny Cow Café. Skinny Cow will run the concession stands at the Legacy Events Center. They will pay the County 7% of their gross sales through the concession stands. In addition, they will pay the County 10% of their gross sales derived from the vending machines and 15% of gross sales of any off-site catering they do that uses the Legacy Center kitchen for food preparation. The contract runs from December 2012 through December 1, 2014. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Kevin Fielding, Davis County Sheriff’s Office, presented the following two items:

Agreement  
#2012-378 T J  
Bingham  
Construction to  
Refinish Floors

Agreement #2012-378 with T J Bingham Construction. The company will refinish floors in the Bravo block of the Davis County jail. It has not been done since the jail opened in 1991. The process involves the grinding off of the surface and an epoxy seal applied. It is a payable of \$34,306.00. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2012-379  
Integrated  
Power  
Systems, Inc of  
UPS  
Maintenance

Agreement #2012-379 with Integrated Power Systems, Inc. for a UPS maintenance agreement for the compressor. This will provide protection when service goes out. It is a payable of \$6,749.00. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Tony Thompson, Davis County Planning Office, presented the following four items:

Change order  
#2011-334D  
Elk Valley  
Construction  
for Sheriff’s  
Storage  
Building  
Project

Change order #2011-334D with Elk Valley Construction. It is for additional costs to meet Davis County’s request of changes to the job scope at the Davis County Sheriff’s Storage Building project. The changes involve additional landscaping around the north side drain, additional excavation for deep fire line, phone dialers for fire alarm system, and change to floor trench drain layout. It is a payable of \$6,150.00. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye.

Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2012-380  
Clinton  
Property  
Investments,  
LLC for  
Property  
Acquisition

Agreement #2012-380 with Clinton Property Investments, LLC. The request is to sale part of Tax ID 14-001-0071 as surplus property and authorizing the chair to execute Quit Claim Deed to Clinton Property Investments, LLC. The property is located at approximately 1925 North 1500 West in Clinton and adjacent to and abutting on the north side of Tax ID 14-001-0051. This property was struck to the county in 2008 for delinquent taxes. The property to the South is now being developed and a request to purchase this property to include in the development has been received. The Davis County Properties Management Committee reviewed this request on December 4, 2012 and recommended to enter into negotiations to sale the property. This is a negotiated sale price of \$2,171.30 (\$1,971.30 purchase price and \$200.00 administrative fee) for approximately 655 ft of property. Clinton City wants to incorporate into their development plan. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Documents are on file in the office of the Davis County Clerk/Auditor.

Quit Claim  
Deed #2012-  
381 DeWayne  
Gordon &  
Karen Gordon  
for Property  
Conveyance

Quit Claim Deed #2012-381 with DeWayne G. Gordon and Karen K. Gordon. These properties (8) are located at 455 North 200 West in West Point and adjacent to and abutting on the north side of Tax ID 14-055-0184. This property was struck to the county in 2002 for delinquent taxes (approximately 3 feet wide). Lee Lund, who abuts this property on the north informed the county that through his research Davis County was the owner of the property. Upon this information it was discovered the Tax Deed was not recorded and has since been recorded. These properties are the results of a plat amendment of Sandy Meadows Subdivision. These properties were south of a fence line and the subdivision was amended to the fence line with no boundary line agreement implemented. Mr. Lund came to the county with a concern of a large old tree needing to be cut down. The properties management committee reviewed this situation on July 10, 2012 and recommended to offer these properties to the Gordon's who abut on the south side, also the properties are inside their fence. In exchange for the Gordon's removing the hazards of the trees, The Gordon's have agreed to the terms as discussed. The request is to convey Tax ID 14-179-0018 thru 0025 as surplus property and authorize the chair to execute a Quit Claim Deed to DeWayne G. Gordon and Karen K. Gordon. Commissioner Petroff made a motion to approve the actions. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor and the Davis County Recorder's Office.

Change Order  
#2010-409J  
Wadman Corp.  
for changes  
Related to  
Construction

Change order #2010-409J with Wadman Corp. It is for various necessary changes to the Administration/Library/CJC project. All items as listed by the construction company have thoroughly been reviewed and discussed by the architect, construction company, and county project management team. It is a payable of \$230,873.62. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Lewis Garrett, Davis County Health Director, presented the following two items:

Agreement  
#2012-382  
Worldwide  
Environmental  
Products, Inc.  
for Emission  
Testing for  
Diesel Vehicles

Agreement #2012-382 with Worldwide Environmental Products, Inc. The entity is to provide emission testing for diesel vehicles, testing for other vehicles which cannot be provided in the open market, and testing for County owned vehicles (at a discounted rate) at the Davis County Testing Center. The process for complete decentralization at the center has been over the last 7 months. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Ordinance  
#8-2012 for  
Technical &  
Language  
Changes to

Davis County Ordinance #8-2012 providing for making technical and language changes to and amending Davis County Chapter 10.12 – Enhanced Vehicle Inspection and Maintenance Program for Davis

Enhanced  
Vehicle  
Inspection &  
Maintenance  
Program

- County. The changes involve the following:
- Several names were used for the facility in Kaysville throughout the previous ordinance. To make it easy to articulate and for clarification, the facility is called “The Davis County Testing Facility.”
  - Definition section is cleaned up – one substantial change was made to the following definition:
    - The Technical Center is now listed as being operated by a Division “representative for technical or administrative support of the Program.
  - Gasoline testing was removed from the Testing Facility duties.
  - Wording was changed concerning purchasing Certificates of Compliance because of the updated process with the new analyzers and contractor – they are purchased directly from the contract on-line or at the Testing Facility.
  - The Emissions Standards Chart has been updated to show new cut points that are in effect because of reciprocity between the four current I/M counties. Basically, the years have been broken down from the earlier chart and OBD cut points have been added.

Commissioner Petroff made a motion to approve the ordinance changes. Commissioner Downs seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2012-383  
Purchase of Art

Commissioner Louenda Downs presented agreement #2012-383. The agreement is for purchase of art work from artists whose work is currently on display in the Administration/Library Building. The Chevron Gallery has been designated and appreciation is expressed to Chevron for their \$20,000.00 donation for purchase of art. Nineteen pieces are listed for purchase for a total cost of \$43,165.00. The prices have been negotiated with the artists and the art pieces will hang in perpetuity. They are all regional artists but most are from Davis County. One time art directed funding that comes with a new building as suggested by the state will be combined with the donation from Chevron. Commissioner Downs made the motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2012-384  
Bountiful/Davis  
Arts Center  
Foundation to  
Lease Space

Chairman Millburn presented agreement #2012-384 with the Bountiful/Davis Arts Center Foundation. Space has been designated in the Davis County Memorial Courthouse Building for the organization to lease. Bountiful City is doing new construction and the Arts Center sought out space for a temporary location to be housed during the construction. The contract period is January 1, 2013 through December 31, 2014. The lease will be a receivable of \$28,830.00/annually and \$200.00 monthly for phone and internet service. Commissioner Downs made a motion to approve. Commissioner Petroff seconded the motion. All voted aye. Document on file in the office of the Davis County Clerk/Auditor.

Commissioner Downs made a motion to convene as the Board of Equalization. Commissioner Petroff seconded the motion. All voted aye.

Property Tax  
Register  
Approved

Dale Peterson, Davis County Tax Administration Director, presented the property tax register. The register reflects 26 properties tax appeals for approval, 6 denials, as well as adjustments and corrections. Commissioner Petroff made a motion to approve. Commissioner Downs seconded the motion. All voted aye.

Commissioner Downs made a motion to reconvene the regular commission meeting. Commissioner Petroff seconded the motion. All voted aye.

Commission  
Minutes  
Approved

Commissioner Petroff made a motion to approve the commission meeting minutes of November 13, 20 and 27, 2012. Commissioner Downs seconded the motion. All voted aye.

Check registers as prepared by the Davis County Clerk/Auditor's Office were approved with a motion from Commissioner Downs. Commissioner Petroff seconded the motion. All voted aye. Documents are on file in the office of the Davis County Clerk/Auditor.

Commission Comments:

Commissioner Downs stated to is important to have made a donation to the 9/11 Memorial at the Utah Botanical Center. Margaret Walstrom has worked so long on the project and any little donation is appreciated. It has been a great learning experience for the youth who have worked on the project. It is also good to be able to allow young people to learn about raising animals through the USU 4-H programs. There are many great youth education programs and we are glad to be able to contribute even a little.

Commissioner Petroff stated the 9/11 Memorial is important and there has also been help from the public for the project. It helps us to learn about things that are not always pleasant but is a part of history. Thanks to Public Works for their assistance at the site.

Commissioner Millburn stated that has we go through the agenda it helps us realize the day to day operations of departments. It does have an impact on lives whether it is the libraries, jail, land issues, or ordinances. Thank you to all employees and department heads for all their work.

Public Comments:

Colin Burton, I/M employee, stated I thank the commissioners for hearing me today and I do take exception to them not letting me put input into items as a citizen that are concern I have. First off being the contract with Worldwide. The job you subcontracted out for \$96,000 happened to be my old job and not all of my old job. According to Utah's Right, I make \$68,800 a year with benefits and wages. Why do we have to for less services now send \$96,000 out of the county. The contractor is giving a special price to county vehicles which I appreciate if we do have to pay it. There are approximately 400 vehicles and even at a discounted rate is a cost \$14,000 we did not have to pay when the Tech Center opened. I am not getting the full information and correct figures. Many figures were reviewed and concern was expressed that the money related to the contract is going to California. The other concern is with ordinance which usually takes 4 years to pass. I believe the ordinance is to meet the contractor's needs. It was hard for us to understand earlier this year when we were told the year before we had revenue of \$500,000 and now with the new legislation we will only make \$300,000 revenue which still leaves a \$200,000 profit. That would provide jobs and benefits to employees. The budget for 2013 you approved shows a higher budget for the Health Department than the year before. I am not sure you are doing the homework. My request is for you to reverse your decision on Worldwide and do the homework.

Chairman Millburn said, "It is with deep regret that we have to let go any county employee. We take great pride in our employees and their service to the public in Davis County. Unfortunately, there are a number of circumstances that have come forward that require some change. Change is hard particularly when it impacts one personally and it is with regret that it has happened to you. Once again this decision has not been taken lightly. It has taken a lot of time, discussion, and analysis. There are a lot of moving parts to it. At the end of the day we are making and have made a decision that is of benefit to the Davis County taxpayers as a whole. Much of that is driven by legislation passed earlier this year. At the end of the day we are bound by state laws and statute. We have made a decision and it is time to move on."

Commissioner Downs said, "The door is still open. We welcome you any time for conversation. I am not sure the information you have presented is complete."

Steve Rawlings, Davis County Clerk/Auditor, said, "The budget process this year took about five months to fully vet. In that process there were a number of meetings held in regard to the very topic we have

heard in commission meetings. All were open to the public and were advertised in the newspaper and notice posted on site. No one (public) showed up to those meetings. Had there been any individuals who showed up, there could have been a lot of conversation and you would have learned a lot about the numbers we had.”

Commissioner Downs made a motion to go into closed session per Utah Code Annotated 52-4-205(1)(a) for discussion of character, professional competence, or physical or mental health of an individual. Commissioner Petroff seconded the motion. All voted aye.

Open meeting reconvened.

Meeting adjourned.